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9 IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 SAN JOSE DIVISION **\*E-FILED - 8/24/07\***

11 UNITED STATES OF AMERICA,	)	No. CR 06-0074 RMW
	)	
12 Plaintiff,	)	<b>STIPULATION TO CONTINUE</b>
	)	<b>HEARING AND EXCLUDE TIME;</b>
13 v.	)	<b>[] ORDER</b>
	)	
14 JAMES FITZGERALD,	)	
	)	
15 Defendant.	)	
16	)	

17 Defendant and the government, through their respective counsel, hereby stipulate that,  
18 subject to the court's approval, the hearing in the above-captioned matter, presently scheduled for  
19 Monday, August 27, 2007, should be continued to Monday, September 10, 2007. At this time,  
20 the parties are discussing possible modifications to a proposed plea agreement. The defense  
21 requires time to review the plea agreement with Mr. Fitzgerald, and the government requires time  
22 to determine whether any modifications to the plea are warranted.

23 The parties further agree that time should be excluded under the Speedy Trial Act from  
24 August 27, 2007, to September 10, 2007, because the defense and the government require time  
25 for investigation and preparation, and the ends of justice outweigh the defendant's and the  
26 public's need for a speedy trial.

STIPULATION TO CONTINUE  
HEARING DATE; [] ORDER  
No. CR 06-0074 RMW

1 Dated: 8/21/07

/s/  
LARA S. VINNARD  
Assistant Federal Public Defender

3 Dated: 8/23/07

/s/  
SUSAN KNIGHT  
Assistant United States Attorney


6 **ORDER**

7 The parties have jointly requested a continuance of the hearing set for August 21, 2007,  
8 on grounds that time is needed by both parties to effectively prepare and to accomplish  
9 settlement in this matter.

10 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date  
11 presently set for August 21, 2007, is continued to September 10, 2007, at 9:00 a.m.

12 Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time  
13 from August 21, 2007, to September 10, 2007, shall be excluded from the period of time within  
14 which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.

15  
16 Dated: 8/24/07

  
RONALD M. WHYTE  
United States District Judge